

IN THE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CYNTHIA JOHNSON)	
d/b/a The Little Surf Shack)	
)	Plaintiff,
)	
v.)	Civil Action No.: 1:18-cv-689-LMB-TCB
)	
ASHLY E. SANDS,)	
AND)	
WOWWEE USA, INC.,)	
AND)	
INCOPRO, INC.)	Defendants.

ANSWER

COMES NOW Defendant WowWee USA, Inc. (hereinafter “WowWee”), by counsel, and for its Answer to the Plaintiff’s Second Amended Complaint filed herein against it, state as follows:

1. Defendant WowWee admits the allegations contained in Paragraphs Number 1 and 8 of the Plaintiff’s Second Amended Complaint.

2. Defendant WowWee denies the allegations contained in Paragraphs Number 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 of the Plaintiff’s Second Amended Complaint and calls for strict proof thereof. Defendant WowWee admits this court has personal jurisdiction over WowWee and that WowWee is not objecting to venue. Defendant WowWee admits Ashly Sands is a partner with Epstein Drangel LLP.

3. Defendant WowWee denies the allegations contained in Paragraph Number 20 of the Plaintiff’s Second Amended Complaint. Defendant WowWee admits Incopro sent an email to

Amazon on January 23, 2018. Defendant WowWee states said email, which is part of the record, speaks for itself.

4. Defendant WowWee denies the allegations contained in Paragraphs Number 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and the last unnumbered Paragraph of the Plaintiff's Second Amended Complaint and its Subsections A, B, C, D, E, F, G, and calls for strict proof thereof.

5. Defendant WowWee affirmatively alleges that the email was not defamatory and that the statements therein were true.

6. Defendant WowWee alleges that said email was absolutely privileged and/or subject to qualified privilege.

7. Defendant WowWee affirmatively alleges that any actions taken by Sands are privileged and any of her communications with plaintiff or her counsel constituted settlement negotiations.

8. Defendant WowWee reserves the right to amend this Answer to reflect any other defense that may arise hereinafter.

9. Defendant WowWee states that it owes Plaintiff no sum whatsoever.

WHEREFORE, Defendant WowWee USA, Inc., by counsel, ask that this Court dismiss the Complaint filed herein against it and enter an Order in its favor with its costs and attorney's fees herein expended.

TRIAL BY JURY IS DEMANDED

WOWWEE USA, INC.,

By Counsel

_____/s/_____, p.d.

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Counsel for WowWee USA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 1st day of February, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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